

REMARKS/ARGUMENTS

Claims 18-37 are in the case with claims 31-37 previously withdrawn. Therefore, claims 18-30 are presented for Examiner Befumo's consideration. Claims 18, 22 and 23 are shown as currently amended on the attached listing of the claims. Claims 22 and 23 are amended to correct a typographical error. Claim 23 is additionally amended to delete a portion of its subject matter now presented in claim 18.

Pursuant to 37 C.F.R. § 1.111, reconsideration of the present application in view of the foregoing amendments and the following remarks is respectfully requested.

Applicants thank Examiner Befumo for including in the Office Action mailed August 10, 2005 signed copies of the initialed Forms PTO-1449 sent with Applicants' Information Disclosure Statements (IDS) mailed May 25, 2004.

By way of sections 2-3 of the Office Action mailed August 10, 2005 claims 18, 19, 21, 24, 25, 27 and 29 were rejected under 35 U.S.C. §102(e) over Newkirk et al. U.S. Pat. No. 6,417,121 (hereinafter "Newkirk et al."). In addition, by way of sections 4-5 claims 20, 22 and 23 were rejected under 35 U.S.C. §102(e) as anticipated by or, alternatively, under 35 U.S.C. §103(a) as obvious over Newkirk et al. These rejections are respectfully **traversed** to the extent applicable to the currently presented claims, as described in the remarks below.

The invention as presently claimed in claim 18 is directed to a nonwoven web having a randomly interlaid web of extruded multicomponent meltblown fibers, the multicomponent fibers having an average fiber diameter less than about 7 micrometers and having a first olefin polymer component and a second amorphous olefin polymer component, and wherein the nonwoven web has a hydrohead in excess of 50 mbar.

Regarding the rejections detailed in the Office Action in sections 2-5 over Newkirk et al. and particularly with respect to the barrier requirement of claim 23 (which barrier element is now in claim 18), the Office Action noted that although many of the specific elements of certain of the dependent claims were not taught by Newkirk et al., the Office Action stated that these types of elements (and particularly the barrier element) would be obviously taught by Newkirk et al.

Applicants respectfully disagree with this assessment. On a review of the teachings of

Newkirk et al., the only portion appearing to directly discuss level of barrier is the description of barrier testing by rising water column with respect to fabric samples F, G, H, I. Please see Newkirk et al. at column 23 at Table 4. Please note that a hydrohead barrier level in excess of 50 mbar is required by the claims, which converts to a hydrohead (in units of mm water) of approximately 510 mm of water. The fabric samples F, G, H, I have reported rising water column levels of 11.6 mm to 246 mm. Therefore, the discussion in Newkirk et al. of barrier levels describes rising water column results less than half of the barrier levels required by the Applicants' claims. For these reasons, Applicants respectfully submit that Newkirk et al. neither anticipates nor makes obvious claim 18 as currently constituted, and therefore submit that these rejections over Newkirk et al. be withdrawn.

By way of section 6 of the Office Action mailed August 10, 2005 claims 28 and 30 were rejected under 35 U.S.C. §103(a) over Newkirk et al. Because these claims are dependent on claim 18, which now incorporates matter from claim 23 (not made part of this rejection), Applicants believe this rejection to be now moot (as of the instant amendment).

By way of section 7 of the Office Action mailed August 10, 2005, claims 18-26 were rejected under 35 U.S.C. §103(a) over Krueger et al. U.S. Pat. No. 4,729,371 (hereinafter "Krueger et al.") in view of Aishima et al. U.S. Pat. No. 3,900,678 (hereinafter "Aishima et al.")

The invention as currently claimed in claim 18 is described above. As stated in the Office Action, Krueger et al. teach bicomponent meltblown fibers that are loftier than conventional meltblown webs and thus have low pressure drops. Aishima et al. also teach bicomponent fibers. The Office Action combined Aishima et al. to provide Krueger et al. with bicomponent fibers having polymers such as a crystalline polypropylene with a random or block copolymer of propylene with another olefin and stated that the motivation for doing so would be provided by the teachings of Aishima et al. that the polymers used provided superior crimpability and a favorable hand. Specifically regarding the barrier feature now in claim 18, the Office Action stated that it is reasonable to presume the combination of the references would meet this limitation.

Applicants respectfully disagree. First, Applicants submit that one skilled in the art would not look to the teachings of Aishima et al. when seeking to modify Krueger et al. Please note

Aishima et al. disclose large staple-type fibers and textile yarns. Please see Aishima et al. at column 5 lines 57 - 60, column 6 lines 13-20 ("15 denier") and Examples which disclose the fibers of Aishima et al. to be 15 to 30 denier, after having been originally formed at over 100 denier and then subsequently subjected to a post-extrusion drawing process. These fibers disclosed in Aishima et al., even after this post-drawing step, are massive in comparison to the meltblown fibers in Krueger et al., on the order of 45 to 90 times more massive by denier than the 7 micron (approximately 0.3 denier) multicomponent meltblown fibers required by the claims. Applicants respectfully submit that the fibers disclosed by Aishima et al. are a wholly inappropriate substitution for the meltblown of Krueger et al. and, furthermore, if it is asserted that Aishima et al. is not being substituted for Krueger et al. but rather only being used for what it teaches, Applicants submit that one skilled in the art would not look to large fiber/staple fiber art such as Aishima et al. for teachings to produce meltblown microfibers.

Second, Applicants respectfully submit that even if one skilled in the art would attempted to combine Krueger et al. with Aishima et al., this combination has not been shown to teach or suggest all of the instant invention's features as currently claimed in claim 18. As a particular example, the Office Action stated that the 50 mbar barrier feature would be present in the combination. However, the teachings of Krueger et al. alone do not appear to be directed at improving barrier properties, nor do Krueger et al. appear to disclose any particular barrier properties at all. Furthermore, as noted in the Office Action, Krueger et al. teach that their meltblown webs are lofty webs because the fibers crimp (or are "curly", as stated at the portion of Krueger et al. cited in the Office Action, at col. 1 lines 58-66), and the motivation advanced for combining Aishima et al. with Krueger et al. included further improving crimpability (and thereby, submit Applicants, further increase the loftiness of the fabric). However, Applicants submit that as would be understood to one skilled in the art, lofty webs are not known to be particularly good liquid barrier materials, and Applicants submit that increasing the loft by the additional teachings of Aishima et al. (by increasing the crimp) would not serve to increase the barrier properties, but, in all likelihood further decrease the barrier accordingly.

Therefore, as described above, Applicants submit that the Krueger et al. and Aishima et al. references are not properly combinable. Furthermore, Applicants submit that, even if one combined these references, this combination has not been shown to disclose all of the parameters or elements of Applicants' claims as presented. Applicants therefore respectfully

submit that the rejection of claims 18-26 under 35 U.S.C. § 103(a) over Krueger et al. in view of Aishima et al. should be withdrawn.

By way of section 8 of the Office Action mailed August 10, 2005 claims 27-30 were rejected under 35 U.S.C. §103(a) over Krueger et al. in view of Aishima et al. and further in view of Newkirk et al. Because these claims are dependent on claim 18, which now incorporates matter from claim 23 (not made part of this rejection), Applicants believe this rejection to be now moot (as of the instant amendment).

For the reasons stated above, it is respectfully submitted that all of the claims are in form for allowance.

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The undersigned may be reached at: 770-587-8908.

Respectfully submitted,

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